

Remarks

Claim 1 is amended. Claims 1 to 3 and 5 to 14 are pending in this application of which only claims 1 and 6 are in independent form. Claims 6 to 11 and 13 are allowed.

Applicants' attorney thanks Examiner Nguyen for the personal interview held on January 12, 2006 and for his assistance in developing an amendment of claim 1 to more accurately define the spaced apart disposition of the coarse and fine actuating elements. This was achieved by reciting that the two actuating elements are separated by a distance from each other by a portion of the frame of the focusing optic assembly. Mutual agreement was reached insofar that this will provide at least one structural feature to make the device claimed different from the art of record.

Claims 1 to 5, 12 and 14 were rejected under 35 USC 103(a) as being unpatentable over the Leica Company brochure (hereinafter referred to as "Leica") in view of Kashiba et al. Claim 1 is amended to incorporate all the features and limitations discussed at the interview and the following will show that claim 1, as so amended, patentably distinguishes the invention over this combination of references.

The applicants have amended claim 1 to place their invention still farther away from the combination of Leica and Kashiba et al. More specifically, claim 1 is amended to incorporate therein all the additional features and limitations discussed at the interview and now includes the clause:

"said coarse actuating element and said fine actuating element being disposed in said frame separated a distance from each other by a portion of said frame to preclude an inadvertent slipping from one of said actuating elements to the other during a manual focusing operation by a user of said focusing optic assembly."
(emphasis added)

On page 3 of the last action, the Examiner had expressed the view that:

"The use of two actuating elements for coarse and fine focusing mounted on the frame of the telescope and spaced relationship to each other is shown in the figure on the front page of the brochure."

The applicants respectfully disagreed with this view because the two actuating elements for coarse and fine focusing are mounted so as to be contiguous with respect to each other as shown by the exhibit of the "Leica Televid" presented at the interview.

The above distinction between the Leica device and the applicants' invention is now more accurately expressed in claim 1 with the inclusion of a portion of the frame between the coarse and fine actuating elements as set forth in the above-quoted clause of claim 1.

There is no indication in the Leica device which could lead our person of ordinary skill to hit upon the idea of mounting the two actuating elements so as to be separated from each other by a portion of the frame as now more carefully set forth in applicants' claim 1. Indeed, not even the problem associated with two contiguous actuating elements is mentioned in Leica. However, the problem is addressed by the applicants in their

disclosure in the paragraph on page 3, starting at line 15:

"It has been shown to be advantageous to arrange the actuating element of the coarse drive at a spacing to the actuating element of the fine drive. These actuating elements are preferably rotatable knobs. In this way, it is ensured that the user of the optical apparatus (for example, a monocular telescope) does not inadvertently actuate the coarse drive when actuating the fine drive. An inadvertent slippage especially from the fine drive to the coarse drive is prevented. In this way, an unwanted defocusing is prevented where an already coarsely focused object vanishes from the field of view and can only be focused upon anew with difficulty."

Thus, the user of the Leica monocular can easily inadvertently actuate the coarse actuating element when the operator should be actuating the fine adjustment element and vice versa. This is especially the case in cold climates where the user of the monocular is wearing thick gloves so that it can be seen that the Leica monocular can quickly become cumbersome to work with.

Neither the problem realized nor the solution presented by the applicants' invention is suggested in either one of the references.

In the amendment filed on October 20, 2005, the applicants have shown why the focus optic provided by Kashiba et al could not be combined with the focus optic of the Leica Televid. For these reasons, and for the reasons advanced above, claim 1, as amended, should now patentably distinguish the applicants' invention over the combination of Leica and Kashiba et al and be allowable.

Claims 2, 3, 5, 12 and 14 are all dependent from claim 1 so

that these claims too should now be allowable.

Reconsideration of this application is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Walter Ottesen". The signature is fluid and cursive, with the first name "Walter" and last name "Ottesen" clearly distinguishable.

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